

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007 IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT [HTTP://WWW.CA2.USCOURTS.GOV/](http://www.ca2.uscourts.gov/)). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 21<sup>st</sup> day of May, two thousand eight.

PRESENT:

HON. RICHARD J. CARDAMONE,  
HON. GUIDO CALABRESI,  
HON. REENA RAGGI,

*Circuit Judges.*

XIN NA HUANG,  
*Petitioner,*

v.

MICHAEL B. MUKASEY, ATTORNEY GENERAL,<sup>1</sup>  
*Respondent.*

07-2103-ag  
NAC

<sup>1</sup> Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Michael B. Mukasey is automatically substituted for former Attorney General Alberto R. Gonzales as the respondent in this case.

FOR PETITIONER: Romben Aquino, Ferro & Cuccia, New York, New York.

FOR RESPONDENT: Jeffrey S. Bucholtz, Acting Assistant Attorney General, Michelle Gorden Latour, Assistant Director, Jessica E. Sherman, Trial Attorney, United States Department of Justice, Civil Division, Office of Immigration Litigation, Washington, District of Columbia.

UPON DUE CONSIDERATION of this petition for review of a decision of the Board of Immigration Appeals ("BIA"), it is hereby ORDERED, ADJUDGED, AND DECREED, that the petition for review is DENIED.

Petitioner Xin Na Huang, a native and citizen of the People's Republic of China, seeks review of the April 20, 2007 order of the BIA affirming the November 3, 2005 decision of Immigration Judge ("IJ") Robert D. Weisel, denying her application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). *In re Xin Na Huang*, No. A77 998 153 (B.I.A. Apr. 20, 2007), *aff'g* No. A77 998 153 (Immig. Ct. N.Y. City Nov. 3, 2005). We assume the parties' familiarity with the underlying facts and procedural history of the case.

When the BIA agrees with the IJ's conclusion that a petitioner is not credible and, without rejecting any of the

1 IJ's grounds for decision, emphasizes particular aspects of  
2 that decision, we review both the BIA's and IJ's opinions --  
3 or more precisely, we review the IJ's decision including the  
4 portions not explicitly discussed by the BIA. See *Yun-Zui*  
5 *Guan v. Gonzales*, 432 F.3d 391, 394 (2d Cir. 2005). We  
6 review the agency's factual findings, including adverse  
7 credibility determinations, under the substantial evidence  
8 standard. See 8 U.S.C. § 1252(b)(4)(B); *Dong Gao v. BIA*,  
9 482 F.3d 122, 126 (2d Cir. 2007).

10 As an initial matter, because Huang failed to raise any  
11 challenge to the IJ's denial of her CAT claim in either her  
12 brief to the BIA or in her brief to this Court, we deem that  
13 claim for relief abandoned. See *Gui Yin Liu v. INS*, 508  
14 F.3d 716, 723 n.6 (2d Cir. 2007).

15 Regarding Huang's asylum and withholding of removal  
16 claims, we find that the agency's adverse credibility  
17 determination was supported by substantial evidence. The  
18 multiple specific examples of discrepancies between Huang's  
19 testimony and the record -- e.g., her failure to mention  
20 during her airport interview<sup>2</sup> any of the allegations that

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<sup>2</sup> We conclude that Huang's airport interview statement was sufficiently reliable to merit consideration by the agency in its credibility analysis because the record of the interview appears to provide a verbatim account, the questions posed to Huang were clearly designed to elicit the details of an

1 would later serve as the basis for her asylum claim, and the  
2 inconsistency between her testimony that she and her family  
3 were arrested in June 1999 and her written application,  
4 which stated that the arrest occurred in June 2001 --  
5 provided sufficient bases on which the agency could conclude  
6 that she was not credible. *See Zhou Yun Zhang v. INS*, 386  
7 F.3d 66, 74 (2d Cir. 2004), *overruled in part on other*  
8 *grounds by Shi Liang Lin v. U.S. Dep't of Justice*, 494 F.3d  
9 296, 305 (2d Cir. 2007) (en banc). While Huang was not  
10 offered an opportunity to explain the discrepancies found by  
11 the agency, they were sufficiently dramatic that no such  
12 opportunity was required. *Majidi v. Gonzales*, 430 F.3d 77,  
13 81 (2d Cir. 2005). No error argued by Huang would, if  
14 found, induce us to disturb the agency's adverse credibility  
15 determination as it can be confidently predicted that the  
16 agency would reach the same conclusion on remand. *Xiao Ji*  
17 *Chen v. U.S. Dep't of Justice*, 471 F.3d 315, 338-39 (2d Cir.  
18 2006). Accordingly, the agency's denial of his application  
19 for asylum and withholding of removal was not improper.

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asylum claim, Huang did not appear reluctant to reveal information to the interviewing officer, and Huang's answers suggest that she understood the translations provided by the Mandarin interpreter. *See Ramsameachire v. Ashcroft*, 357 F.3d 169, 179-80 (2d Cir. 2004).

1           For the foregoing reasons, the petition for review is  
2 DENIED. As we have completed our review, any stay of  
3 removal that the Court previously granted in this petition  
4 is VACATED, and any pending motion for a stay of removal in  
5 this petition is DISMISSED as moot. Any pending request for  
6 oral argument in this petition is DENIED in accordance with  
7 Federal Rule of Appellate Procedure 34(a)(2), and Second  
8 Circuit Local Rule 34(b).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: \_\_\_\_\_